

VIA FACSIMILE: (703) 872-9306

100718-364/ Beiersdorf 760-HCL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : GERS-BARLAG et al.  
SERIAL NO. : 10/031,654  
FILED : 16 September 2002  
FOR : EMULSIFIER-FREE FINELY DISPERSE SYSTEMS OF THE WATER-  
IN-OIL TYPE  
ART UNIT : 1618  
EXAMINER : Shelley Dodson

October 18, 2004

Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

Your petitioner, Beiersdorf AG, of D-20253 Hamburg, Germany, represents that it is the 100% owner of the above-identified application by virtue of an assignment which was recorded in the U.S. Patent Office on September 16, 2002, at Reel 013309, Frame 0866. Your petitioner hereby disclaims the terminal portion of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent issuing from application Serial No. 09/640,822 and hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that it and any patent issuing from application Serial No. 09/640,822 are commonly owned, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on said above-

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identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 09/640,822 in the event that any said issued patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid, (4) is statutorily disclaimed in whole, (5) is terminally disclaimed under 37 CFR 1.321(a), (6) has all claims canceled by a reexamination certificate, or (7) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer except for the separation of legal title stated above.

The undersigned is an attorney/agent of record and authorized to sign and submit this terminal disclaimer.

ADDITIONAL FEES

The Commissioner is hereby authorized to charge any fees which may be required, including the Terminal Disclaimer fee of \$110.00, or credit any overpayment to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Terminal Disclaimer (2 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: October 18, 2004

By Agata Glinica  
Agata Glinica